HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.27125 of 2005

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Dated: March 13, 2006

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Between:

Nemala Krishna, S/o. late Tatayya,

Age: 42 years, Occ: Agriculture,

R/o.Nellipudi (V)

Gangavaram (M), E.G. District.

… Petitioner

And

The Addl. Agent to the Govt.,

E.G. District at Rampachodavaram, and

two others.

… Respondents

Order:

This Writ Petition has been filed questioning the orders passed by the second respondent, in LTRP No.100/2002 evicting the petitioner from the land admeasuring Ac.2.43 cents in S.No.429/2 of Nellipudi Village, Gangavaram Mandal, East Godavari District, in exercise of powers under A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70.

2. The Special Deputy Collector, Tribal Welfare, Rampachodavaram, the second respondent herein, passed orders in L.T.R.P.No.100/2002 dated 21-01-2003 evicting the petitioner from the aforesaid land. In the said order, he has ordered eviction of the petitioner and restored the land to the Government for onward distribution to eligible tribals. As against the said order, it is stated in the affidavit filed in support of the petition that petitioner has preferred an appeal along with an application for condoning the delay, to the Additional Agent to the Government on 10-12-2005. It is the case of the petitioner that on one hand, the appellate authority has neither taken up the appeal nor the delay application for consideration, and on the other, respondents are taking steps to evict him from the aforesaid land. It is stated that the petitioner filed the appeal by Regd. Post Ack. Due, which was received in the office of the respondents on 10-12-2005.

3. As much as the appeal filed by the petitioner and the application for condoning the delay, are pending consideration before the appellate authority, in that view of the matter, it is not desirable to record any finding on the merits of the matter. As the petitioner has already submitted the appeal by RPAD, he is permitted to submit another set of papers before the appellate authority, within two weeks from today. On such papers being submitted, the appellate authority shall pass appropriate orders on the application for condoning the delay and also on the appeal filed by the petitioner. Till appropriate orders are passed on the application for condoning the delay or the appeal, the petitioner shall not be evicted from the land admeasuring Ac.2.43 cents in S.No.429/2 of Nellipudi Village, Gangavaram Mandal, East Godavari District. If the petitioner fails to produce copy of the appeal and the application for condoning the delay in filing the appeal within the stipulated time referred to above, it is open for the respondents to take steps for eviction as per the orders passed by the Special Deputy Collector.

4. Subject to the above directions, the Writ Petition is disposed of.

JUSTICE R. SUBHASH REDDY.

March 13, 2006

N.B. **Furnish C.C. in three days**

B/o

MRR